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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NALINI KUMAR, an individual, **ALLEN SINGH**, an individual.

Plaintiffs,

v.

NATIONWIDE MUTUAL INSURANCE COMPANY, a corporation and **DOES 1-10**,

Defendants.

Case No. 2:23-cv-02312-DAD AC

**STIPULATION AND REQUEST TO
MODIFY SCHEDULING ORDER TO
CONTINUE EXPERT DISCOVERY
CUTOFF; [~~PROPOSED~~] ORDER**

1 Plaintiffs Nalini Kumar and Allen Singh (Plaintiffs) and Defendant Nationwide Mutual
2 Insurance Company (Nationwide), stipulate to the following:

3 **RECITALS**

4 WHEREAS this is an insurance bad faith action involving a residential property that was
5 damaged during a fire;

6 WHEREAS Plaintiffs originally filed this action in the Northern District of California;

7 WHEREAS on October 12, 2023, the case was transferred to the Eastern District of
8 California;

9 WHEREAS the parties had completed fact discovery before the transfer;

10 WHEREAS on March 6, 2024, the parties appeared for a scheduling conference.

11 WHEREAS on March 7, 2024, the Court issued its Scheduling Order (Dkt. No. 100)
12 which, in part, set deadlines as follows:

- 13 • Initial Expert Disclosure and Rule 26(a)(2) Report Production: August 30, 2024;
- 14 • Expert Rebuttal Disclosure and Rule 26(a)(2) Report Production: September 30,
15 2024;
- 16 • Expert Discovery Cut-Off: October 30, 2024;
- 17 • Final Pretrial Conference: March 10, 2025;
- 18 • Trial: May 19, 2025.

19 WHEREAS the parties filed cross-motions for summary judgment on May 8,
20 2024, for hearing on June 18, 2024;

21 WHEREAS the Court vacated the hearing date and has the cross-motions under
22 submission;

23 WHEREAS, pursuant to the Parties' stipulation, the Court previously extended the expert
24 discovery cutoff to November 30, 2024 (Dkt. 112);

25 WHEREAS, pursuant to the Scheduling Order, the Parties may file a stipulation
26 requesting an order extending time on a showing of good cause;

27 WHEREAS, good cause exists to extend the expert discovery cutoff to January 31, 2025:

- After experiencing some challenges in getting their retained experts properly prepared under the then-current timeframe, in light of the number of experts retained on each side, as well as the large quantity of documents and files to review in this matter, the Parties exchanged initial expert disclosures and will plan to exchange rebuttal expert disclosures according to the current deadline.
- The Parties have indicated a desire to take the depositions of multiple experts on both sides.
- There has been one prior request to extend the expert discovery cutoff, which was requested and granted before the Parties exchanged initial expert disclosures.
- This request for modification of the expert discovery deadlines will not affect any other deadlines or events set in this matter, including but not limited to the expert rebuttal disclosure deadline, pretrial conference, trial date or any mandatory settlement conference.
- Dispositive motions from both sides have been fully briefed and are currently pending before the Court;
- Counsel for each side continue to be tied up on deadlines for other matters:
 - Plaintiffs' counsel have two federal cases ongoing which have fact discovery cut-off dates in November and late December, trial briefing in a bench trial set for early January that is due in December, along with main briefing and replies in one state and one federal appeal in the same period.
 - Defense counsel are currently involved in (1) a matter with a November 12, 2024 trial date in the U.S. District Court for the Northern District of California, and (2) a matter in the Santa Clara County Superior Court with a January 13, 2025 trial date and discovery closing on December 16, 2023, and expert discovery to follow.
 - The Thanksgiving and Christmas holidays, and counsel's preplanned family engagements and travel during those times will also interfere with

1 their attempts to prepare for and take expert depositions in an orderly
2 fashion.

3 THEREFORE, the Parties, by and through their respective counsel of record, agree and
4 stipulate that the expert discovery cutoff in this matter be extended to January 31, 2025.

5 IT IS SO STIPULATED.

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7 Dated: October 25, 2024

KERLEY SCHAFFER, LLP

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9 /s/ Dylan L. Schaffer (as authorized on 10/25/24)

10 DYLAN L. SCHAFFER
 Attorney for Plaintiffs

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12 Dated: October 25, 2024

DENTONS US LLP

13 /s/ Samuel D. Jubelirer

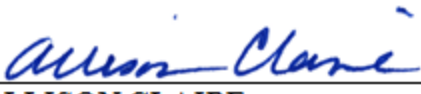
14 SAMUEL D. JUBELIRER
15 Attorneys for Nationwide Mutual Insurance
16 Company
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ORDER

Good cause having been shown and based on this stipulation, IT IS HEREBY
ORDERED that the expert discovery cutoff in this matter is continued to January 31, 2025.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: November 1, 2024


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE